## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

**DOCKET NO.:** 2007-0887-PST-E **TCEQ ID:** RN102007952 **CASE NO.:** 33744 **RESPONDENT NAME:** Town & Country Food Stores, Inc. dba Town & Country 271

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	$\underline{\mathbf{X}}$ PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURR  TYPE OF OPERATION: Convenience sto	ED: Town & Country 271, 91 West 2nd Street, Big	g Lake, Reagan County
SMALL BUSINESS: X Yes	No	
OTHER SIGNIFICANT MATTERS: Ther facility location.	re are no complaints. There is no record of additional	al pending enforcement actions regarding this
INTERESTED PARTIES: No one other that	an the ED and the Respondent has expressed an inte	rest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on October 1, 2007. I	No comments were received.
David Van Soest, Enforcement Div <b>Respondent:</b> Mr. Robert Egglestor San Angelo, Texas 76902	: Ms. Judy Kluge, Enforcement Division, Enforcem	

**DOCKET NO.:** 2007-0887-PST-E

 $\{ (x,y) \in \mathbb{R}^n : |x| \leq n \}$ 

VIOLATION SUMMARY CHAR	Γ:	
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS / TAKEN/REQUIRED
Type of Investigation:  Complaint X Routine Enforcement Follow-up Records Review  Date(s) of Complaints Relating to this Case: None  Date of Investigation Relating to this Case: April 27, 2007  Date of NOV/NOE Relating to this Case: May 31, 2007 (NOE)  Background Facts: This was a routine investigation. Four violations were documented.  WASTE  1) Failed to ensure that a valid, current TCEQ delivery certificate is posted at the Facility [30 Tex. Admin. Code § 334.8(c)(5)(A)(iii)].  2) Failed to obtain a Statistical Inventory	Total Assessed: \$8,550  Total Deferred: \$1,710	Corrective Actions Taken:  The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:  a. The TCEQ San Angelo Regional office received documentation verifying that the current delivery certificate was posted at the Facility on April 28, 2007;  b. The TCEQ San Angelo Regional office received documentation verifying that as of February 6, 2007, the required suspected release investigation was conducted, corrective measures were taken to conduct inventory measurements and reconciliation accurately, and passing results were achieved in the Statistical Inventory Reconciliation ("SIR") analysis reports; and  c. On June 8, 2007, the TCEQ San Angelo Regional office received documentation certifying that the SIR analysis reports are being obtained from the vendor within the
Reconciliation ("SIR") analysis from the designated provider within 15 calendar days following the last day of the calendar month for which the analysis was performed. Specifically, it was documented that the date of the SIR reports exceeded the 15-day limit [30 Tex. ADMIN. CODE § 334.50(d)(9)(A)(iii) and Tex. WATER CODE § 26.3475(c)(1)].  3) Failed to report a suspected release to TCEQ within 24 hours of discovery. Specifically, the SIR results of the super unleaded tank for November 2006 indicated a suspected release that was not reported to the TCEQ [30 Tex. ADMIN. CODE §§ 334.50(d)(9)(A)(iv) and 334.72(3)(B)].  4) Failed to investigate a suspected release within 30 days of discovery. Specifically, SIR results of the super unleaded tank for November 2006 indicated a suspected release within 30 days of discovery. Specifically, SIR results of the super unleaded tank for November 2006 indicated a suspected release that was not investigated [30 Tex. ADMIN. CODE § 334.74(1)].		first 15 calendar days of the month as required.

Policy Revision 2 (Sep.	Penalty Calculatio	n Worksheet (P	•	June 26, 2007
TCFO				
DATES Assigned	4-Jun-2007	NO. 1222-12444   1777-1711   11114   1771		
PCW	7-Jun-2007 <b>Screening</b> 7-Jun-2007	EPA Due		
RESPONDENT/FACILITY				<b>-</b>
	Town & Country Food Stores, Inc. dba Town	n & Country 2/1	.,	_
Reg. Ent. Ref. No. Facility/Site Region		Majay/Minay Cayyaa	Minor	_
Facility/Site Region	o-San Angelo	Major/Minor Source	INITIO	
CASE INFORMATION			wasaning and the complete and a second was a second with the second seco	
Enf./Case ID No.	33744	No. of Violations	4	7
	2007-0887-PST-E	Order Type		
	Petroleum Storage Tank	Enf. Coordinator		
Multi-Media			EnforcementTeam 6	
Admin. Penalty \$ !	Limit Minimum \$0 Maximum	\$10,000		
				***************************************
	Penalty Calcula	ation Section		
	•			
TOTAL BASE PENAL	TY (Sum of violation base penaltie	es)	Subtotal 1	\$9,500
ADJUSTMENTS (+/-)				- Annual in
	ned by multiplying the Total Base Penalty (Subtotal 1) by		otals 2, 3, & 7	\$0
Compliance Hist	ory U%	Enhancement Subt		40
Notes	No adjustment due to compl	iance history		g yan-ta
Notes	No adjustment due to compi	lance history.		, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
				december
Culpability	No 0%	Enhancement	Subtotal 4	\$0
•				
Notes	The Respondent does not meet the	e culpability criteria.		
			]	
Good Faith Effor	t to Comply 10%	Reduction	Subtotal 5	\$950
0000 1 01111 21101	Before NOV NOV to EDPRP/Settlement Offer			
Extraordinary				
Ordinary	, X			
N/A	(mark with x)		_	and the second
The second secon	The second of constitute constitute	9 2007		
Notes	The respondent came into compliar	nce on June 8, 2007.		an in the last of
		Enhancement*	Subtotal 6	\$0
		d at the Total EB \$ Amount		
Approx.	Cost of Compliance \$3,700			
CUM OF CURTOTAL	047		Final Subtatal	\$8,550
SUM OF SUBTOTAL	.5 1-7	•	Final Subtotal	ψ0,000
	O WOTIGE MAY BEGUNDE			\$0
	S JUSTICE MAY REQUIRE	( ) 20 for 20% )	Adjustment	<b>D</b>
Reduces or ennances the Final S	Subtotal by the indicated percentage. (Enter number onl	y; e.g30 for -30%.)		
NI-t				
Notes				2000
		Final Po	nalty Amount	\$8,550
		rillai re	many Amount	ψ0,550
STATUTODY LIMIT	AD HISTMENT	Final Ana	agged Bangity	\$8,550
STATUTORY LIMIT	ADJUSTMENT	Final Assi	essed Penalty	\$0,550
				64.740
DEFERRAL		20% Reduction	Adjustment	-\$1,710
Reduces the Final Assessed Pe	nalty by the indicted percentage. (Enter number only; e.	g. 20 for 20% reduction.)	٦	A CONTRACTOR OF THE CONTRACTOR
Notes	Deferral offered for expedite	ea settlement.		
,				
	_			0000
PAYABLE PENALTY	•			\$6,840

	Screen	ing Date 7-Jun-2007 Docket No. 2007-0887-PST-E		Section 1
,	1.00	pondent Town & Country Food Stores, Inc. dba Town & Country 2	Policy R	evision 2 (Septe
		se ID No. 33744	P	CW Revision Jui
j. I		ence No. RN102007952		
		[Statute] Petroleum Storage Tank		
	Ent. Coc	ordinator Judy Kluge	$\psi\mapsto \psi_{-1}(x) + \psi_{-1}(x)$	
	4.11	Compliance History Worksheet	in dagayan a basa 1986.	. Action
		Number of	nter Number Here	Military and the second
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3: <b>0</b> : (3: (3: (3: (3: (3: (3: (3: (3: (3: (3	.0%
		Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	ing sa	0%
8	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	profession of the season	0%
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
-	Emissions	Chronic excessive emissions events (number of events)	0	0%
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
1 4 4	7 dans	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%
		Pleas	se Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	- Qui (QI	Participation in a voluntary pollution reduction program	No .	0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
-		Adjustment P	orcontono /C	ubtotal 21 -
at	Violator (Su	btotal 3)		OTHER
	No	Adjustment P	ercentage (S	ubtotal 3)
plia	ance History	Person Classification (Subtotal 7)		
	Average Po	erformer Adjustment Po	ercentage (Sเ	ubtotal 7)
nli:	ance History	Summary 17 Alva Alva Alva Alva Alva Alva Alva Alva	Amadah Garara Ada	arone
٠				

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Notes

Screening Date	7-Jun-2007	Docket No	). 2007-0887-PST-E	PCW
	Town & Country Food Stor	es, Inc. dba Town & Cour	ntry 271	Policy Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				
	Petroleum Storage Tank			
Enf. Coordinator				
Violation Number				
Rule Cite(s)	30	Tex. Admin. Code § 334.	8(c)(5)(A)(iii)	
Violation Description	Failed to ensure that a va	lid, current TCEQ delivery	certificate is posted at the F	acility.
			Base F	Penalty \$10,000
>> Environmental, Property a	and Human Health Ma Harm	trix .		
Release		Minor		
OR Actual Potential			Percent 0%	
>>Programmatic Matrix		osta i par sali		
Falsification	Major Moderate	Minor		
<b>计</b>			Percent 10%	
Matrix Notes	100% of th	e rule requirement was no	ot met.	
Land to the state of the state		CONTRACTOR STANCE PROSESSES FOR CONTRACTOR S		20.000
Charles and the second			Adjustment	\$9,000
				\$1,000
Special SECS. CHARGEST STREET, 1885-1885-1885-1885-1885-1885-1885-1885			The state of the s	
Violation Events	and the second s			
Number of Vi	olation Events 1	] 1	Number of violation days	
	■ 84 5 m 24 5 m 24 2 m 2 m 2 m 2 m 2 m 2 m 2 m 2 m 2	<b>—</b>		
	daily monthly	-		
mark only one	quarterly	=	Violation Base I	Penalty \$1,000
with an x	semiannual	1		- I
	annual			
	single event x			.
One single e	event is recommended base	ed on documentation of th investigation.	e violation during the April 27	7, 2007
Economic Benefit (EB) for the	nis violation		Statutory Limit Test	
Estimate	ed EB Amount	\$0	Violation Final Penalt	ty Total \$900
	,	This violation Final Ass	essed Penalty (adjusted for	· limits) \$900
	en transfer de la company	ima violation fillat ASS	esseu i enaity (aujusteu ioi	, was a second

		y Food Stores, Inc.	dba Town & Cour	ntry 271			
Case ID No.					1.1	gapan (* 1941)	
Reg. Ent. Reference No.					Turner Sever		,
Media	Petroleum Stor	age Tank			1.0	Percent Interest	Years of
Violation No.	1				***		Depreciation
					Salad Astron	5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Januar Barris Salas Sala	The state of the s	Court Office	1 WHI HT HIS		100		
Item Description	No commas or \$		Esta de Caldidasa		Addition 1	apai'O sabili	
المائنة المائدة		TO SEA MANAGEMENT DE LA			3		
Delayed Costs		fquil/res		1 0.0	\$0	\$0	\$0
Equipment				0.0	\$0 \$0		\$0 34.1.7 <b>\$</b> 0
Bulldings	rat and the district		<u>المنطور المنطور المنطورة والمنطورة والمنطورة والمنطورة والمنطورة والمنطورة والمنطورة والمنطورة والمنطورة والم</u>	0.0	\$0	\$0 @ avail \$0	\$0
Other (as needed)	in a control of the first of and	Production Control		0.0	\$0	\$0	\$0
Engineering/construction Land	A P. Nat. Co. St. on Large-State - 4 of	P. P		0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling			<u> </u>	0.0	\$0	n/a	\$0
Remediation/Disposal	100	3 442 4 4 4 7 4 4		0.0	\$0	n/a	\$0
Permit Costs	<del>ulimania di disentia</del> n			0.0	\$0	n/a	\$0
Other (as needed)	\$100	27-Apr-2007	28-Apr-2007	0.0	\$0	n/a	\$0
		a cost to post the di	silvery continuate t		cility. The date re	quirou io allo ilivood	
Notes for DELAYED costs	\$#1,000mg	7 <b>° i</b>			te of compliance.	instructuur.	
Notes for DELAYED costs  Avoided Costs	\$40,000 g	, £ ĝ	the final date i	s the dat	item (except for	one-time avoided o	costs)
· · ·	\$40,000 g	, £ ĝ	the final date i	s the date	item (except for	one-time avoided o	costs) <u>4 (                                  </u>
Avoided Costs  Disposal  Personnel	\$40,000 g	, £ ĝ	the final date i	ntering	item (except for \$0 \$0	one-time avoided o	sosts) *
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	\$40,000 g	, £ ĝ	the final date i	ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	\$40,000 g	, £ ĝ	the final date i	ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs  Disposal  Personnel  Inspection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]	\$40,000 g	, £ ĝ	the final date i	ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided (	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$40,000 g	, £ ĝ	the final date i	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Disposal  Personnel  Inspection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]	\$40,000 g	, £ ĝ	the final date i	ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided (	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$40,000 g	, £ ĝ	the final date i	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$40,000 g	UALIZE [1] avoide	the final date i	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Screening Date	7-Jun-2007		Docket No. 20	07-0887	-PST-E	······································	PCW
Respondent	Town & Country	y Food Stores, Inc. dba	a Town & Country 27	71		Policy Re	vision 2 (September 2002)
Case ID No.						PC	W Revision June 26, 2007
Reg. Ent. Reference No.	RN102007952						
Media [Statute]	Petroleum Stor	age Tank					
Enf. Coordinator	r						
Violation Number	2						
Rule Cite(s)	30 Tex. Ad	min. Code § 334.50(d)	(9)(A)(iii) and Tex. W	Vater Co	de § 26.347	5(c)(1)	
Violation Description	following the	in an SIR analysis fror a last day of the calend t was documented tha	dar month for which the	the analy	sis was perf	formed.	
					Bas	se Penalty	\$10,000
>> Environmental, Property a	and Human F		a decidital land	en peri			
Release	Major	Harm Moderate Minor					
OR Actual							
Potential	X		Pe	ercent	25%		
The state of the s		CONSTRUCTION CONTRACTOR					
>>Programmatic Matrix	116630000000000000000000000000000000000	at a Astachiumnasenasta alia	BWGP CO.				
Falsification	Major	Moderate Minor		ercent	0%		
	<u> </u>			ercent	U /0		
44, 35AC, 55 GROVE		ment will or could be e					
Notes are	protective of hur	nan health or environn	nentai receptors as a	a result o	i the violand	)II.	
							1
		a superior distribution	Adjı	ustment		\$7,500	
						Γ	\$2,500
						1	42,000
Violation Events	and the second	Eliteratura de la composición de la co	A SPENSE AND A SPE	0.000 (0.000)		and grade the later	
2 II - (Mark) - a carrier o socio casa y soc	F	1	[				
Number of Vi	olation Events	1	45 Ni	umber of	f violation da	ays	
	Isosaaansoa∏						
	daily monthly						
mark only one	quarterly	×		V	iolation Ba	se Penalty	\$2,500
with an x	semiannual					- :	
	annual						
and I have	single event						
l l							
One quarte	erly event is reco	ommended from the Ap complia	oril 27, 2007 investiga nce date.	ation dat	e to the Jun	e 8, 2007	
Economic Benefit (EB) for th	nis violation		reservation in the second	Statutor	ry Limit T	est	
Estimate	ed EB Amount		\$14	Violati	on Final Pe	nalty Total	\$2,250
						-	
		This viol	ation Final Assesse	d Penali	ty (adjusted	i tor limits)	\$2,250

		E	conomic	Benefit W	orks	sheet	त वेहित होते छ	ligit s
	Respondent	Town & Countr	y Food Stores, Inc.	dba Town & Cour	ntry 271	100	The state of the s	
	Case ID No.				·		particular and the second	
Rea En	t. Reference No	7						,
itog: Lin		Petroleum Stor	aga Tank			4		Years of
	Violation No	7.	age rank				Percent Interest	Depreciation
	violation ivo	. 2				EFFERENCE ELEPTERA		120 E 1 - E
				, and the first of a second		ial systematics of the section of	5.0	1
		Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	Item Description	No commas or \$		Agusto de la La	abo.	andriya Karatik	in profitalist dakidise	
	general, a magnituent en a		To Lot 1 - Co. Lot 10 September 1	anderson en			and the second of the second of the second of	
	Delayed Costs							
	Equipment			Barrana alement	0.0	\$0	\$0	\$0
	Buildings			No transaction of the	0.0	\$0	\$0	\$0
	Other (as needed)		041.01.1.440	inia wilahi	0.0	\$0	\$0	\$0
Engli	neering/construction		Many Print Control		0.0	\$0	\$0	\$0
	Land				0,0	\$0	n/a	\$0
Rec	cord Keeping System	a constitution to the			0.0	\$0	n/a	\$0
	Training/Sampling				0.0	\$0	n/a	\$0
R	Remediation/Disposal				0,0	\$0	n/a	· \$0
	Permit Costs				0,0	\$0	n/a	\$0
	Other (as needed)	\$500	15-Nov-2006	8-Jun-2007	0.6	\$14	n/a	\$14
		Estimated cost	to obtain SIR anal	vsis records within		ndar davs followin	g the last day of the	THE STREET
Notes	s for DELAYED costs	for which the ar	nalysis was perforn report was requ	ned. The date required to be obtained	15 cale uired is and the	15 days after the r final date is the d	g the last day of the nonth of October 200 late of compliance.	calendar mont 06 when the SI
Notes	Avoided Costs	for which the ar	nalysis was perforn report was requ	ned. The date required to be obtained	15 cale uired is and the	16 days after the r final date is the d item (except for	nonth of October 200 late of compliance. one-time avoided c	calendar mont 06 when the SI osts)
Notes	The state of the s	for which the ar	nalysis was perforn report was requ	ned. The date required to be obtained	15 cale uired is and the intering	16 days after the r final date is the d item (except for \$0	nonth of October 200 late of compliance. one-time avoided o	calendar mont 06 when the SI osts)
	Avoided Costs  Disposal  Personnel	for which the ar	nalysis was perforn report was requ	ned. The date required to be obtained	15 cale uired is and the ntering	15 days after the refinal date is the distern (except for \$0 \$0	nonth of October 200 late of compliance.  one-time avoided c \$0 \$0	calendar mont 06 when the SI costs) \$0 \$0
Inspection	Avoided Costs Disposal Personnel i/Reporting/Sampling	for which the ar	nalysis was perforn report was requ	ned. The date required to be obtained	15 cale uired is and the ntering	15 days after the refinal date is the distance of the final date in the final date is the distance of the final date in the final date is the distance of the final date in the final date is the distance of the final date in the distance of the final date is the distance of the di	nonth of October 200 late of compliance.  one-time avoided of \$0 \$0 \$0 \$0	calendar mont 06 when the SI osts) \$0 \$0
Inspection	Avoided Costs Disposal Personnel l/Reporting/Sampling Suppiles/equipment	for which the ar	nalysis was perforn report was requ	ned. The date required to be obtained	15 cale uired is l and the ntering 0.0 0.0 0.0	15 days after the r final date is the different (except for \$0 \$0 \$0 \$0	nonth of October 200 ate of compliance.  one-time avoided c \$0 \$0 \$0 \$0	calendar mont 06 when the SI costs) \$0 \$0 \$0
Inspection Fin	Avoided Costs Disposal Personnel //Reporting/Sampling Supplies/equipment nancial Assurance [2]	for which the ar	nalysis was perforn report was requ	ned. The date required to be obtained	15 cale uired is and the intering 0.0 0.0 0.0 0.0 0.0	15 days after the refinal date is the different (except for \$0 \$0 \$0 \$0	nonth of October 200 ate of compliance.  one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	calendar mont 06 when the SI sosts) \$0 \$0 \$0 \$0
Inspection Fin	Avoided Costs Disposal Personnel //Reporting/Sampling Supplies/equipment nancial Assurance [2] ME avoided costs [3]	for which the ar	nalysis was perforn report was requ	ned. The date required to be obtained	15 cale uired is and the intering 0.0 0.0 0.0 0.0 0.0 0.0	15 days after the refinal date is the difference (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	nonth of October 200 ate of compliance.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	calendar mont 06 when the SI sosts) \$0 \$0 \$0 \$0 \$0
Inspection Fin	Avoided Costs Disposal Personnel //Reporting/Sampling Supplies/equipment nancial Assurance [2]	for which the ar	nalysis was perforn report was requ	ned. The date required to be obtained	15 cale uired is and the intering 0.0 0.0 0.0 0.0 0.0	15 days after the refinal date is the different (except for \$0 \$0 \$0 \$0	nonth of October 200 ate of compliance.  one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	calendar mont 06 when the SI sosts) \$0 \$0 \$0 \$0
Inspection Fin	Avoided Costs Disposal Personnel //Reporting/Sampling Supplies/equipment nancial Assurance [2] ME avoided costs [3]	for which the ar	nalysis was perforn report was requi	ned. The date required to be obtained to be obtaine	15 cale uired is I and the intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	15 days after the refinal date is the difference of the final date in the final date is the difference of the final date in the difference of the final date is the date in the date in the date in the date is the date in th	nonth of October 200 ate of compliance.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	calendar mont 06 when the SI sosts) \$0 \$0 \$0 \$0 \$0
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Screening D	<b>ate</b> 7-Jun-2007	Docket	<b>No.</b> 2007-0887-PST-E	PCW
Respond	ent Town & Country	Food Stores, Inc. dba Town & Co	untry 271	Policy Revision 2 (September 2002)
Case ID				PCW Revision June 26, 2007
Reg. Ent. Reference	<b>Vo.</b> RN102007952			
	te] Petroleum Stora	nge Tank		
Enf. Coordina				
Violation Num				
Rule Cit	e(s) 30	Tex. Admin. Code §§ 334.50(d)(9	9)(A)(iv) and 334.72(3)(B)	
Violation Descrip	Failed to report the SIR result	a suspected release to TCEQ with s of the super unleaded tank for N release that was not report	ovember 2006 indicated a	Specifically, suspected
			Ва	ase Penalty \$10,000
>> Environmental, Prope	ty and Human H			
Rele	ase Major	Harm Moderate Minor		
INSAU (1980), 1, 2008 (1981) (1984)	ctual			
Pote	ntial		Percent 0%	2
January Company (1997)	Pilipelia a republicani PM	ido:		All controls and the control of the
>>Programmatic Matrix Falsifica	tion Major	Moderate Minor	Printer Comment	100
	x I		Percent 10%	o l
Matrix				
Notes		100% of the rule requirement was	s not met.	
And the second s			Adjustment	\$9,000
- 627 Oct 1990 Control (2005) miles and 2007 Control (1995) miles and an analysis and an analy	AND THE PROPERTY OF THE PROPER	000 m/v 1 C C V V V 5 5 5 5 5 6 6 6 7 1 1 2 2 0 P 3 C M A A 4 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		\$1,000
				\$1,000
Violation Events	supply spreadily	Parties and management of the state of the s	in Memory 2012 - Light	
	ARTON INVESTMENT AND ARTON OF CHORUS	88 2000 (17) CONTEX (17) (17) (17) (17) (17) (17) (17) (17)	NAA. AA ISAA MARAA	
Number	of Violation Events	1 1	Number of violation of	lays
	I 650 F			
	daily monthly			
mark only			Violation B	ase Penalty \$1,000
with ar				
	annual			
	single event	X		
				" 7 2007
One si	igle event is recomm	ended based on documentation of investigation.	t the violation during the Ap	ni 27, 2007
		mvosugation.		
Economic Benefit (EB) fo	or this violation		Statutory Limit	rest
Esti	nated EB Amount	\$100	Violation Final P	enalty Total \$900
	Faccase .		n i i i i i i i i i i i i i i i i i i i	ed for limits) \$900
		This violation Final A	Assessed Penalty (adjuste	a for fimits) \$900

Case ID No.	. 33744	y Food Stores, Inc.	aba rown & Cour	111y 27:1			
Reg. Ent. Reference No. Media	RN102007952 Petroleum Stor	age Tank			4.8	Percent Interest	Years of
Violation No.	. 3				processor storage A CCAL	er o samer varance deser-	Depreciation
	* - septimbalismen	10.1	CONTRACTOR OF CO			5.0	15
ltem Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
**************************************			and the state of t				
Delayed Costs Equipment	<ul> <li>Alice and finally invalidations.</li> </ul>		<u> </u>	0.0	\$0	\$0	\$0
Buildings		ol your	A Section 1	0.0	\$0	\$0	\$0
Other (as needed)	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		No.	0.0	\$0	\$0	\$0
Engineering/construction			BUSINESS OF STREET	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	h/a	\$0
Remediation/Disposal				0.0	\$0	· n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
	il			pla es	Selection was well	- Agadical	
Notes for DELAYED costs  Avoided Costs	ANN	IUALIZE [1] avoid	ed costs before e	entering	item (except for	one-time avoided o	osts)
Notes for DELAYED costs  Avoided Costs  Disposal	ANN	IUALIZE [1] avoid	ed costs before €	entering	Item (except for	one-time avoided c	\$0
Avoided Costs	ANN	IUALIZE [1] avoid	ed costs before e	0.0	\$0 \$0	\$0 \$0	\$0 \$0
Avoided Costs	ANN	IUALIZE [1] avoid	ed costs before e	0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
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Avoided Costs  Disposal  Personnel  Inspection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]	ANN	IUALIZE [1] avoid	ed costs before e	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0,0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
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Avoided Costs  Disposal  Personnel  Inspection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]  ONE-TIME avoided costs [3]	\$100	1-Dec-2006	2-Dec-2006	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$100
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$100	1-Dec-2006	2-Dec-2006	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$100	\$0 \$0 \$0 \$0 \$0 \$0 \$100

Scree	ening Date	7-Jun <b>-</b> 2007		D	ocket No.	. 2007-0887	'-PST-E		PCW
Re	espondent	Town & Countr	y Food Store	s, Inc. dba To	wn & Country	y <sub>.</sub> 271		Policy Rev	vision 2 (September 2002)
	ase ID No.							PC	W Revision June 26, 2007
Reg. Ent. Refe	erence No.	RN102007952							
Medi	a [Statute]	Petroleum Sto	rage Tank						
	oordinator <sub>.</sub>	Judy Kluge							April 4 a a a a a a a a a a a a a a a a a a
Viola	tion Number	4							
	Rule Cite(s)			30 Tex. Admir	n. Code § 334	4.74(1)			
Violation	ı Description	Failed to inve	stigate a susp super unlea	pected release ded tank for N that was n	within 30 da ovember 200 ot investigat	06 indicated	very. Specific a suspected	ally, SIR release	
>> Environmental,	Property a	nd Human I	Health Mat Harm	rix	24 Kanada		Base	Penalty	\$10,000
	Release	Major	Moderate	Minor					
OR	Actual								
aguisir 474	Potential	×				Percent	25%		
990,000	Trocation are decided and deletions	CALLE LIGHT PER SPECIAL CONTROL CONTROL		outlines control		di.			
>>Programmatic N		oralineett terro	NA - d 4 -	Adia -	HID PERSON				
ſ	Falsification	Major	Moderate	Minor		Percent	0%		
						reicent	0 70		
Matrix Notes	Human health are p	n or the enviror protective of hu	ment will or o	could be expos r environmenta	al receptors	ants which w as a result o Adjustmen	of the violation	evels that \$7,500	
									\$2,500
Violation Events	Number of Vic	olation Events	2		41	Number o	of violation day	i senior	·
				<u> </u>	L	===±1			PARAMETER PARAME
	mark only one with an x	daily monthly quarterly semiannual annual single event	X			`	/iolation Bas	e Penalty[	\$5,000
	Two monthly	events are rec		rom the releas			of December	31, 2006	
Economic Benefit	t (EB) for th	is violation	Alle Ped. perception	as ag NED M. T.	1588 F. S	Statuto	ry Limit Te	st	
* !	Estimate	d EB Amount		\$21	· .	Violat	ion Final Pen	alty Total	\$4,500
BSC DOODS DOWN AND AND AND AND AND AND AND AND AND AN	and the second s		Met Manager and seed	This violation	ı Final Asse	ssed Pena	Ity (adjusted	for limits)	\$4,500
Carrier Street	Province and Alice	contract of SISSAND Park		HE KINDERS TO BE		and outside the second	A ALL STORES		ALES CORRES ESPECIAL DE CONTRA LA CONTRA DE CO

Respondent T Case ID No. 3 Reg. Ent. Reference No. F Media F Violation No. 4	3744 RN102007952 Petroleum Stora		dba Town & Coun	try 271			
Case ID No. 3 Reg. Ent. Reference No. F Media F Violation No. 4	3744 RN102007952 Petroleum Stora			•		and the second s	hannangan matikakan panakan manakan ma
Reg. Ent. Reference No. F Media F Violation No. 4	RN102007952 Petroleum Stora	age Tank				*******************************	him market to the second secon
Media F Violation No. 4	Petroleum Stora	age Tank				******************************	himmy water grant was
Violation No. 4		age rank				The second of the Second	Years of
						Percent Interest	Depreciation
Item Description	Item Cost						Studen of the
Item Description	Item Cost	The second second				5.0	15
Item Description	TOTH OUSE	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or \$	ANTEN A SEC.	Classifications of the		atom, ili.		
Delayed Costs	12 12 12 14 15 14 15 HALLOW	Selentari III.	va ka Massilada pindaga.			The state of the s	
Equipment			A partial section of the section of	0.0	\$0	\$0	\$0
Buildings	The State of the Parket	The section of the se		0.0	\$0	\$0	\$0
Other (as needed)	arer ej bezete a	THE PARTY OF STREET		0.0	\$0	\$0	\$0
Engineering/construction	\$3,000	31-Dec-2006	6-Feb-2007	0.1	\$1	\$20	\$21
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	a. Daliblaca acces			0.0	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs  Disposal		d	lue and the final da	ate is the	e date of complián	date the release invoice. website 2!	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
Personnel			The second second	0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling	Joseph			0,0	\$0	\$0	\$0
Supplies/equipment	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		TO STORE WAS CONTRACT.	0.0	\$0	\$0	\$0
Financial Assurance [2]	29140	835		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
y ender in the first term of t	Deficiency does	-y 14 capawas ta D		de Henry	anamini dan bah	will the mortal fi	
Notes for AVOIDED costs	elektrik S		n de grad de la comunicación mais específicación de seminación de mais específicación de la comunicación de				5.444 - 5.444
i		in the contract of the second					
<u></u>	1	\$3,000		<del>i</del>	TOTAL		\$2

# **Compliance History**

Custome	er/Respondent/Owner-Operator:	CN600891287	Town	& Country Food Stores	s, Inc.	Classification:	AVERAGE	Rating: 1.21	
Regulate	ed Entity:	RN102007952	TOW	N & COUNTRY 271		Classification: DEFAULT	AVERAGE BY	Site Rating: 3.01	
ID Number(s):		PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION		78355			
Location	:	91 W 2ND ST, BI		TX, 76932					
TCEQ R	egion:	REGION 08 - SA	N ANGE	LO					
Date Compliance History Prepared:  Agency Decision Requiring Compliance History:  Compliance Period:		June 06, 2007							
		Enforcement							
		June 06, 2002 to June 06, 2007							
TCEQ S	taff Member to Contact for Additional Info	rmation Regarding t	his Com	pliance History					
Name:	Judy Kluge	Ph	one:	817-588-5825					
		Site C	omplia	nce History Comp	onents				
1. Has tl	he site been in existence and/or operation	for the full five year	complia	nce period?	Yes				
	here been a (known) change in ownership	o of the site during th	e compl	iance period?	No N/A				
3. If Yes	s, who is the current owner?				IN/A				
4. if Yes	s, who was/were the prior owner(s)?				N/A				
5. When	n did the change(s) in ownership occur?				N/A				
Compo	onents (Multimedia) for the Site :								
Α.	Final Enforcement Orders, court judge	ments, and consent	decrees	of the state of Texas a	and the federa	l government.			
	N/A								
В.	Any criminal convictions of the state of	Texas and the fede	ral gove	rnment.					
	N/A		J						
C.	Chronic excessive emissions events.								
	N/A								
D.	The approval dates of investigations. ( 1 05/31/2007 (558720)	CCEDS Inv. Track.	No.)						
E.	Written notices of violations (NOV). (C	CEDS Inv. Track. N	0.)						
F.	Environmental audits. N/A								
G.	Type of environmental management s	ystems (EMSs).							
	N/A								
H.	Voluntary on-site compliance assessm	nent dates.							
	N/A								
i.	Participation in a voluntary pollution re	duction program.							
	N/A								
J.	Early compliance.								
	N/A								
Sites O	outside of Texas								
	N/A								

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
TOWN & COUNTRY FOOD STORES,	§	
INC. DBA TOWN & COUNTRY 271	§	ENVIRONMENTAL QUALITY
RN102007952	_	

#### AGREED ORDER DOCKET NO. 2007-0887-PST-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Town & Country Food Stores, Inc. dba Town & Country 271 ("Town & Country") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Town & Country appear before the Commission and together stipulate that:

- 1. Town & Country owns and operates a convenience store with retail sales of gasoline at 91 West 2nd Street in Big Lake, Reagan County, Texas (the "Facility").
- 2. Town & Country's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and Town & Country agree that the Commission has jurisdiction to enter this Agreed Order, and that Town & Country is subject to the Commission's jurisdiction.
- 4. Town & Country received notice of the violations alleged in Section II ("Allegations") on or about June 5, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Town & Country of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Eight Thousand Five Hundred Fifty Dollars (\$8,550) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Town & Country has paid Six Thousand Eight Hundred Forty Dollars (\$6,840)

of the administrative penalty and One Thousand Seven Hundred Ten Dollars (\$1,710) is deferred contingent upon Town & Country's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Town & Country fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Town & Country to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Town & Country have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Town & Country has implemented the following corrective measures at the Facility:
  - a. The TCEQ San Angelo Regional office received documentation verifying that the current delivery certificate was posted at the Facility on April 28, 2007;
  - b. The TCEQ San Angelo Regional office received documentation verifying that as of February 6, 2007, the required suspected release investigation was conducted, corrective measures were taken to conduct inventory measurements and reconciliation accurately, and passing results were achieved in the Statistical Inventory Reconciliation ("SIR") analysis reports; and
  - c. On June 8, 2007, the TCEQ San Angelo Regional office received documentation certifying that the SIR analysis reports are being obtained from the vendor within the first 15 calendar days of the month as required.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Town & Country has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, Town & Country is alleged to have:

1. Failed to ensure that a valid, current TCEQ delivery certificate is posted at the Facility, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(5)(A)(iii), as documented during an investigation conducted on April 27, 2007.

- 2. Failed to obtain an SIR analysis from the designated provider within 15 calendar days following the last day of the calendar month for which the analysis was performed, in violation of 30 Tex. ADMIN. CODE § 334.50(d)(9)(A)(iii) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on April 27, 2007. Specifically, it was documented that the date of the SIR reports exceeded the 15-day limit.
- 3. Failed to report a suspected release to TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE §§ 334.50(d)(9)(A)(iv) and 334.72(3)(B), as documented during an investigation conducted on April 27, 2007. Specifically, the SIR results of the super unleaded tank for November 2006 indicated a suspected release that was not reported to the TCEQ.
- 4. Failed to investigate a suspected release within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74(1), as documented during an investigation conducted on April 27, 2007. Specifically, SIR results of the super unleaded tank for November 2006 indicated a suspected release that was not investigated.

#### III. DENIALS

Town & Country generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Town & Country pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Town & Country's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Town & Country Food Stores, Inc. dba Town & Country 271, Docket No. 2007-0887-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon Town & Country. Town & Country is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against Town & Country in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

Town & Country Food Stores, Inc. dba Town & Country 271 DOCKET NO. 2007-0887-PST-E Page 4

- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Town & Country, or three days after the date on which the Commission mails notice of the Order to Town & Country, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Town & Country Food Stores, Inc. dba Town & Country 271 DOCKET NO. 2007-0887-PST-E Page 4

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Town & Country Food Stores, Inc. dba Town & Country 271 DOCKET NO. 2007-0887-PST-E Page 5

### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

10/9/07 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Foliat Egglest Signature

Name (Printed or typed)

Authorized Representative of

Town & Country Food Stores, Inc. dba Town & Country 271

SR. Director Detroleum Manketing

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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